



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

STATEMENT

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RE: Appeal of National Pollutant Discharge Elimination System (NPDES) permitting for Structures S-2, S-3 and S-4

“The South Florida Water Management District is pleased with the Court’s decision to support the local management of local water resources. This is a landmark case of national significance that has implications not only for Lake Okeechobee but also for water management throughout Florida and beyond.

“Moving water is an essential public service, providing communities with flood control, water supply and environmental restoration. Florida’s robust regulatory system already effectively ensures that water management activities comply with State law and adhere to the standards of the federal Clean Water Act.

“As the District has maintained, Congress 35 years ago rightly entrusted the states to manage their waters for the benefit and protection of their citizens – without burdening taxpayers with additional layers of federal oversight that add no environmental benefits. The court found reasonable the Environmental Protection Agency’s views that state programs are a more sensible approach than the NPDES program.

“The South Florida Water Management District remains committed to the people of South Florida and will continue to protect our natural resources, safeguard the health, welfare and safety of Florida's communities and manage our waters in the public's interest.”

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Background

In January 2009, the South Florida Water Management District presented its position to the 11th Circuit Court of Appeals regarding a requirement to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit on its S-2, S-3 and S-4 structures. Joined by the United States Department of Justice, the State of Florida and other states, including California and Colorado, the South Florida Water Management District reiterated its position that the Clean Water Act never intended for NPDES permitting to apply to water management activities.

For more information on this issue, visit this Web page:

[NPDES background material \(January 2009\)](#)